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Attorneys for Plaintiff Stanley Morrical,
derivatively on behalf of Hewlett-Packard
Company, in the action entitled,
Morrical v. Margaret C. Whitman, et al., 12-CV-06434

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PHILIP RICCARDI,

Plaintiff,

v.

MICHAEL R. LYNCH, *et al.*,

Defendants,

-and-

HEWLETT-PACKARD COMPANY,

Nominal Defendant.

CASE NO. 12-CV-06003-CRB

**DECLARATION OF MATTHEW K.
EDLING IN SUPPORT OF REPLY
MEMORANDUM IN SUPPORT OF
STANLEY MORRICAL'S MOTION FOR
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF A
LEADERSHIP STRUCTURE FOR
PLAINTIFFS' COUNSEL**

Date: March 1, 2013
Time: 10:00 a.m.
Cttrm: 6, 17th Floor
Judge: Hon. Charles R. Breyer

[Caption continues on following page.]

**DECLARATION OF MATTHEW K. EDLING IN SUPPORT OF REPLY MEMORANDUM IN
SUPPORT OF STANLEY MORRICAL'S MOTION FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF A LEADERSHIP STRUCTURE FOR PLAINTIFFS'
COUNSEL**

1 ENERSTO ESPINOZA,
2
3 Plaintiff,
4 v.
5 MICHAEL R. LYNCH, *et al.*,
6 Defendants,
7 -and-
8 HEWLETT-PACKARD COMPANY,
9 Nominal Defendant.

CASE NO. 12-CV-06025-CRB

Judge: Hon. Charles R. Breyer
Complaint Filed: November 27, 2012

10 ANDREA BASCHERI, *et al.*,
11
12 Plaintiffs,
13 v.
14 LEO APOTHEKER, *et al.*,
15 Defendants,
16 -and-
17 HEWLETT-PACKARD COMPANY,
18 Nominal Defendant.

CASE NO. 12-CV-06091-CRB

Judge: Hon. Charles R. Breyer
Complaint Filed: November 30, 2012

19 MARTIN BERTISCH,
20
21 Plaintiff,
22 v.
23 LEO APOTHEKER, *et al.*,
24 Defendants,
25 -and-
26 HEWLETT-PACKARD COMPANY,
27 Nominal Defendant.

CASE NO. 12-CV-06123-CRB

Judge: Hon. Charles R. Breyer
Complaint Filed: December 3, 2012

28 **DECLARATION OF MATTHEW K. EDLING IN SUPPORT OF REPLY MEMORANDUM IN
SUPPORT OF STANLEY MORRICAL'S MOTION FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF A LEADERSHIP STRUCTURE FOR PLAINTIFFS'
COUNSEL**

1 THE CITY OF BIRMINGHAM
2 RETIREMENT AND RELIEF SYSTEM,

3 Plaintiff,

4 v.

5 LEO APOTHEKER, *et al.*,

6 Defendants,

7 -and-

8 HEWLETT-PACKARD COMPANY,

9 Nominal Defendant.

CASE NO. 12-CV-06416-CRB

Judge: Hon. Charles R. Breyer

Complaint Filed: December 18, 2012

10 JOSEPH TOLA,

11 Plaintiff,

12 v.

13 MICHAEL R. LYNCH, *et al.*,

14 Defendants,

15 -and-

16 HEWLETT-PACKARD COMPANY,

17 Nominal Defendant.

CASE NO. 12-CV-06423-CRB

Judge: Hon. Charles R. Breyer

Complaint Filed: December 18, 2012

18 STANLEY MORRICAL,

19 Plaintiff,

20 v.

21 MARGARET C. WHITMAN, *et al.*,

22 Defendants,

23 -and-

24 HEWLETT-PACKARD COMPANY,

25 Nominal Defendant.

CASE NO. 12-CV-06434-CRB

Judge: Hon. Charles R. Breyer

Complaint Filed: December 19, 2012

26
27
28
**DECLARATION OF MATTHEW K. EDLING IN SUPPORT OF REPLY MEMORANDUM IN
SUPPORT OF STANLEY MORRICAL'S MOTION FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF A LEADERSHIP STRUCTURE FOR PLAINTIFFS'
COUNSEL**

1 I, MATTHEW K. EDLING, declare:

2 1. I am an attorney duly admitted to practice before all courts of the State of
3 California and all federal district courts located in California. I am a senior associate with
4 Cotchett, Pitre, & McCarthy, LLP, counsel for proposed Lead Plaintiff Stanley Morrical. I
5 submit this declaration in support of the Reply Memorandum In Support of Stanley Morrical's
6 Motion For Appointment As Lead Plaintiff and Approval of a Leadership Structure For
7 Plaintiffs' Counsel. I have personal knowledge of the facts stated herein. If called upon to do so,
8 I could and would competently testify thereto.

9 2. On February 11, 2013, my firm was one of ten law firms named to the National
10 Law Journal's Litigation Boutique Hot List. Attached as **Exhibit A** is a true and correct copy of
11 the National Law Journal 2012 List of the Top Ten Litigation Boutiques and its article about my
12 firm.

13 3. Prior to filing his shareholder derivative complaint, as permitted under California
14 Corporations Code § 1601(a), Plaintiff Stanley Morrical requested books and records from
15 Hewlett Packard Company. After HP placed preconditions on my client's inspection rights my
16 client filed his verified petition for writ of mandate for the inspection of corporate books and
17 records. A true and correct copy of the caption page of this verified petition is attached as
18 **Exhibit B.**

19 4. My firm, on behalf of Mr. Morrical, entered into a confidentiality agreement with
20 HP, which will allow for any lead plaintiff, lead counsel or executive committee member and
21 their clients to review the books and records that HP produces in response to Mr. Morrical's
22 statutory request.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed this 15th day of February 2013, at Burlingame,
25 California.

26 By: /s/ Matthew K. Edling
27 MATTHEW K. EDLING

28 **NOTICE OF MOTION AND MOTION TO CONSOLIDATE RELATED CASES AND 1
TO APPOINT LEAD PLAINTIFF AND LEAD COUNSEL**

EXHIBIT A



THE NATIONAL LAW JOURNAL

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Litigation Boutiques Hot List

The National Law Journal

02-11-2013

They may be small, but they command attention.

The 10 law firms on our Litigation Boutiques Hot List, each fielding no more than 50 lawyers, demonstrate that when it comes to high-stakes cases it's all about skill, not size. Whether they're working on the plaintiffs' or defense side of big pharma, big oil, white-collar or agriculture matters, the lawyers practicing at these streamlined shops set precedents, righted wrongs or saved companies during 2012. — *Leigh Jones*



BECK REDDEN

[Firm approaches litigation with relish](#)



CLIFFORD LAW OFFICE

[Humility works to client's advantage](#)



**COTCHETT PITRE
& McCARTHY**

[Toyota case marks a new high-water mark](#)



GASS WEBER MULLINS

[Small and scrappy seems to pay off](#)



**GOLDMAN ISMAIL
TOMASELLI BRENNAN & BAUM**

[For efficacious relief from pesky lawsuits](#)



**KAPLAN FOX
& KILSHEIMER**

[A big commitment pays big dividends](#)

**MORVILLO ABRAMOWITZ
GRAND IASON & ANELLO**
[Firm makes problems sink quietly away](#)

SANFORD HEISLER
['We level the playing field for our clients'](#)



STONE & MAGNANINI
[Reaping the dividends
of new independence](#)



WATTS GUERRA CRAFT
[They live to work hard
and litigate](#)

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THE NATIONAL
LAW JOURNAL

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Toyota case marks a new high-water mark

Amanda Bronstad

The National Law Journal

02-11-2013

Nearly three years after Toyota Motor Corp. recalled more than 10 million vehicles for defects associated with sudden acceleration, a team of three plaintiffs' attorneys in December reached a \$1.3 billion settlement to resolve economic damages claims by consumers. One of those attorneys was Frank Pitre, a name partner at Cotchett, Pitre & McCarthy, who was in charge of claims brought by independent auto dealers, rental car companies and other commercial plaintiffs who bought Toyota vehicles.

You might call it a high-water mark for the 27-attorney firm in Burlingame, Calif., south of San Francisco. "We had some great verdicts, but nothing near \$1 billion," said name partner Joseph Cotchett, a veteran trial attorney, whose previous successes include a \$3.3 billion verdict against Charles Keating Jr., a prime mover in the savings-and-loan scandal of the late 1980s. In addition to Pitre and Cotchett, the firm has 24 principals and one associate and offices in Sacramento, Calif., and New York.

Pitre, Cotchett said, spent half his time on the Toyota case, in which the plaintiffs seek \$200 million in fees. The other half he spent bringing individual cases against Pacific Gas & Electric Co. over a 2010 pipeline explosion in San Bruno, Calif., that killed eight people, injured dozens and destroyed 38 homes. Cotchett Pitre has settled half of its 60 explosion-related lawsuits, Cotchett said. The settlements have been filed under seal, but PG&E has acknowledged it could face more than \$1 billion in state regulatory fines and legal settlements.

Cotchett Pitre also reached settlements in continuing price-fixing litigation against a group of freight forwarders; so far, the firm has amassed \$120 million in agreements, including \$28 million from Kuehne + Nagel Inc., Cotchett said. Many of the defendants, including Kuehne + Nagel, have paid criminal fines in related actions brought by the U.S. Department of Justice.

Firm principal Mark Molumphy spearheaded a derivative shareholder action accusing Oracle Corp. of overbilling the U.S. government in which the firm obtained a "huge settlement," filed under seal, Cotchett said. In a securities action against the trustees of Medical Capital Holdings Inc., a Ponzi scheme whose business was purportedly to purchase medical receivables, Molumphy settled in December with one of the bank defendants, The Bank of New York Mellon Corp., for \$114 million. Wells Fargo & Co. faces trial in April. In June, both banks paid \$106 million to settle related claims as part of a U.S. Securities and Exchange Commission action.

TRIAL TIPS

You have to think outside the box of conventional legal thinking. You have to have passion and belief in the litigation. You win by getting back up after a hit — an old sports adage.

— Joseph Cotchett, Cotchett, Pitre & McCarthy

EXHIBIT B

ENDORSED

2013 JAN -4 A 9: 59

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11 *Attorneys for Petitioner/Plaintiff Stanley Morrical,*
12 *Individually and on Behalf of All Others*
13 *Similarly Situated*

14 **IN THE SUPERIOR COURT OF CALIFORNIA**

15 **IN AND FOR THE COUNTY OF SANTA CLARA**

16
17 STANLEY MORRICAL;

18 Petitioner,
19 vs.

20 HEWLETT-PACKARD COMPANY;
JOHN F. SCHULTZ, Executive Vice President
21 and General Counsel;
CATHIE LESJAK, Executive Vice President
22 and Chief Financial Officer; and
DOES 1-50.

23 Respondents.
24
25
26
27
28

113 CV 2389 13
CASE NO.:

**VERIFIED PETITION FOR WRIT OF
MANDATE FOR INSPECTION OF
CORPORATE BOOKS AND RECORDS**